



PATENT

Atty. Docket No.: A-59553-2/RFT/THR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CUTHBERTSON, Andrew

Serial No.: 09/632,149

Filed: August 3, 2000

For: OCULAR GENE THERAPY

Examiner: Quang Nguyen

Group Art Unit: 1636

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Dated: October 25, 2004

Signed: *Wendy Wilson*

SUBMISSION WITH REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This communication is responsive to the Office Action dated October 22, 2003 in the above-captioned application. A Notice of Appeal was filed on March 22, 2004 and received by the Patent and Trademark Office on March 25, 2004. The Office date of receipt of the Notice of Appeal (and not the date on any Certificate of Mailing under 37 CFR 1.8) is the date from which the time for a submission is measured (MPEP §512 and §1206). A Petition for Extension of time for five months up to and including October 25, 2004, and the requisite fee are included, making this a timely filed response.

This Submission is filed with a Request for Continued Examination under 37 C.F.R. §1.114 and is accompanied by the required fee as set forth in 37 C.F.R. §1.17(e).

It is believed that no further fees are due at this time. However, should any deficiency or overcharge occur in this matter, the Commissioner is hereby authorized to credit or debit Deposit Account No. 50-2319 (Order No. 468648-01106/A-59553-2-/RFT/THR).

Please amend the above- captioned application as follows:

A listing of claims begins on page 3 of this paper.

Remarks begin on page 4 of this paper.